

BEFORE THE TEXAS BOARD OF NURSING



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

In the Matter of Registered Nurse §
License Number 597368 and § AGREED
Vocational Nurse §
License Number 139123 § ORDER
issued to MARY JANE WAFFORD §

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of MARY JANE WAFFORD, Registered Nurse License Number 597368 and Vocational Nurse License Number 139123, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on September 13, 2008, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is currently in "delinquent" status.
4. Respondent received a Certificate in Vocational Nursing from Odessa College, Odessa, Texas, on August 19, 1992, and received an Associate Degree in Nursing from Odessa College Associate Degree, Odessa, Texas, on May 14, 1993. Respondent was licensed to practice vocational nursing in the State of Texas on December 6, 1992, and was licensed to practice professional nursing in the State of Texas on September 22, 1993.

5. Respondent's nursing employment history includes:

12/1992 - 07/1995	Unknown	
08/1995 - 10/1996	Director of Medicare Compliance	Nurse finders of West Texas Midland, Texas
11/1996 - 02/1997	Director of Medicare Compliance	Concepts of Care, Inc. Odessa, Texas
02/1997 - 05/1998	Field Nurse Medicare Coordinator	Interim Health Care Odessa, Texas
05/1998 - Unknown	Relief Nurse	Permian Basin Hospital Staffing, Odessa, Texas
05/1998 - Unknown	Relief Nurse	Nurses Unlimited Odessa, Texas
10/1998 - 08/2003	Staff Nurse Charge Nurse Float Pool Nurse	Odessa Regional Medical Center Odessa, Texas
2003	Float Pool Nurse	Medical Center Hospital Odessa, Texas
10/2003 - 05/2008	Float Pool Nurse Charge Nurse	Odessa Regional Medical Center, Odessa, Texas
06/2008 - Present	Unknown	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Charge Nurse with Odessa Regional Medical Center, Odessa, Texas, and had been in this position for four (4) years and five (5) months.

7. On or about March 19, 2008, while employed as a Charge Nurse with Odessa Regional Medical Center, Odessa, Texas, Respondent failed to initiate emergency resuscitative interventions after she was notified that Patient Number 28270, who had diagnoses including severe asthmatic bronchitis and severe chronic obstructive pulmonary disease, was non-responsive and not breathing. Respondent assessed the patient to be without pulse or respirations, with skin cold to touch, nail beds white, pupils fixed and dilated at 5-6 mm, and lividity to the patient's dependent side. Although the patient had a physician's order for "full code status," Respondent failed to initiate cardiopulmonary resuscitation (CPR) and to call a code, as required. The House Supervisor was called to assess the patient, then the Emergency Room (ER) physician was called, assessed the patient and pronounced her expired ten (10) minutes after the patient was found unresponsive. Respondent's conduct may have contributed to the patient's demise.

8. In response to the incident in Finding of Fact Number Seven, Respondent states that when she and the assigned nurse assessed the patient there was unanimous agreement that attempts to resuscitate the patient would be futile. According to Respondent, the House Supervisor agreed with their determination. Respondent asserts that the decision not to resuscitate the patient was made from "common sense, experience, knowledge and utmost compassion for this patient." Respondent states that she understands that policy dictates that a code should have been called and now understands the consequences of not following policy.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(M) and 217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 597368 and Vocational Nurse License Number 139123, heretofore issued to MARY JANE WAFFORD, including revocation of Respondent's licenses to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized licenses issued to MARY JANE WAFFORD, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding Sexual Misconduct, Fraud, Theft and Deception, Nurses with Chemical Dependency, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Information regarding Board-approved courses in Texas Nursing Jurisprudence may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address:*
<http://www.learningext.com/products/generalce/critical/ctabout.asp>.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR LICENSED VOCATIONAL (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's licenses. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT

SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's licenses. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my licenses to practice nursing in the State of Texas, as a consequence of my noncompliance. *I don't have a copy of my LVN license*

Signed this 3rd day of Oct, 2008.

Mary Jane Wafford

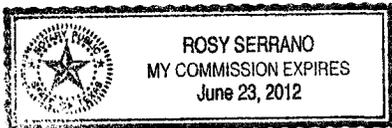
MARY JANE WAFFORD, Respondent

Sworn to and subscribed before me this 3rd day of October, 2008.

SEAL

Rosy Serrano

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the _____ day of _____, 20____, by MARY JANE WAFFORD, Registered Nurse License Number 597368 and Vocational Nurse License Number 139123, and said Order is final.

Effective this _____ day of _____, 20_____.

Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of October, 2008, by MARY JANE WAFFORD, Registered Nurse License Number 597368 and Vocational Nurse License Number 139123, and said Order is final.

Effective this 12th day of November, 2008.


Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

